

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

APR 23 2005
CIVIL ACTION

JOHN DEREK MURPHY,
Petitioner

NO.
DISTRICT OF MASS

v.

MICHAEL A. THOMPSON,
MCI SHIRLEY, SUPERINTENDENT
Respondent

**PETITIONER'S MOTION FOR PERMISSION TO FILE
MEMORANDUM AND APPENDIX IN SUPPORT OF PETITION**

Now comes the petitioner in the above-entitled actions and respectfully requests that this Honorable Court allow him to file his Memorandum of Law and Appendix in support of his Petition for a Writ of Habeas Corpus at a later date.

As grounds therefore, undersigned counsel for the petitioner states that the underlying case concerns petitioner's conviction for 14 counts of larceny over \$250, one count of forgery by writing, one count of forgery by uttering, one count of fraudulent use of a credit card and one count of fraudulent use of a drivers license, that the case is extremely serious, and that undersigned counsel has diligently worked at preparing the petitioner's memorandum and appendix. Unfortunately, because of ongoing writing and conference preparation obligations at the non-profit law center where the undersigned counsel works 32 hours each week, in addition to preparing briefs in the cases of United States v. Ferdinand Vera Diaz, Docket 03-2006 and Commonwealth v. William Clark, Mass. Appeals Court Docket 04-933; and applications for further appellate review in the cases of Commonwealth v. Jeremy Canole, Mass. Appeals Court Docket 03-1270 and Commonwealth v. James Burns, Mass. Appeals Court Docket 03-940 over the last three to four months has made it difficult for the undersigned counsel to complete the petitioner's Memorandum of Law in time to file it this week with his Petition pursuant to 28 U.S.C. §2254.

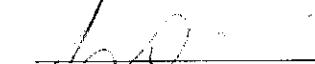
The petitioner further states that the Massachusetts Attorney General's Office will not be prejudiced by this delay because that Office has not yet entered an appearance in

the case. For this reason and in order to make sure the undersigned counsel will have adequate time to complete the Memorandum and Appendix in addition to her work obligations at the non-profit law center, petitioner seeks leave to file the Memorandum at the latest by May 20, 2005.

CONCLUSION

For all the foregoing reasons, the Court should grant the petitioner's motion.

Respectfully submitted,


- Angela G. Lehman, BBO #567411
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CERTIFICATE OF SERVICE

I hereby certify that I have enclosed two true copies of the above Motion which may be served upon the Massachusetts Attorney General's Office when an Assistant Attorney General enters an appearance in this case.


- Angela G. Lehman